

Chapter 4

SUPPLEMENTARY REGULATIONS

**An ordinance
which provides
various
development
regulations
which impact
most uses and
zones.**

Adopted January 22, 2008

CITY OF KANAB

Uniform Zoning Ordinance

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Section 4-1 Substandard Lots at Time of Ordinance Passage

Any lot legally held in separate ownership at the time of passage of this Ordinance, which lot is below the requirements for lot area or lot width for the District in which it is located may be used for a single-family dwelling if such lot is located in a district which permits single-family dwellings. The width of each of the side yards for such a dwelling may be reduced to a width which is not less than the same

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percentage of the lot width as the required side yard would be of the required lot width, provided that in no case shall the smaller of the two (2) yards be less than five (5) feet or the total width of the two (2) yards be less than thirteen (13) feet.

Section 4-2 Lot Standards

Except as provided in this Ordinance, every lot, existing or intended to be created, shall have such area, width, and depth as is required by this Ordinance for the district in which such lot is located and shall have frontage upon a dedicated street, public street, private street, or private lane, before a building permit may be issued.

Section 4-3 Cul-de-Sac Lot Frontage Requirements

Lots in an approved subdivision which front on a cul-de-sac, shall be deemed to have been approved for construction with the frontage as shown on the plat and shall be required to meet frontage requirements of the zone in which they are located, at the required front yard setback.

Section 4-4 Every Dwelling to be on a Lot - Exceptions

Every dwelling structure shall be located and maintained on a separate lot having no less than the minimum area, width, depth and frontage on a city street as required by this Ordinance for the district in which the dwelling structure is located, except that group dwellings, cluster dwellings, condominiums, and other multi-structure dwelling complexes under single ownership and management, which are permitted by this Ordinance and have approval from the Kanab City Planning Commission, may occupy one (1) lot for each such multi-structure complex.

Section 4-5 Yard Space for One Building Only

No required yard or other open space around an existing building or which is hereafter provided around any building for the purpose of complying with the provisions of this Ordinance shall be considered as providing a yard or open space for any other building; nor shall any yard or other required open space on an adjoining lot be considered as providing a yard or open space on a lot whereon a building is to be erected or established.

Section 4-6 Residential Occupancy Regulations

Purpose: Over-occupancy of dwelling units creates health and safety dangers to home occupants and their neighbors. These dangers include fire hazards, spread of disease to occupants and the general population, an opportunity for domestic violence and abuse, effects to mental health and other adverse impacts on the peace, comfort, and safety of residents. To protect against these dangers, the City established regulations limiting the number of occupants in a

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residence. These regulations are intended to ensure a good living environment in residential neighborhoods and reduce vehicle congestion, noise and overwhelming of public utilities. In general the limitations are based on the size of the house, the size and number of bedrooms, the relationships of the residents, and fire safety standards. Failure to comply with any portion of these requirements constitutes a violation of legal occupancy allowances.

1. **Occupancy Standards Based on the Size of the Residence.**

The City limits the number of adult occupants in a house based upon the size of the entire dwelling unit. The following table outlines these limits for each dwelling units.

Livable Floor Area of Dwelling Unit (in square feet)	Maximum Numbers of Adult Occupants*
720 to 1,000	4 adult occupants
1,000 to 1,200	4 adult occupants
1,201 to 1,750	5 related adult occupants
1,751 to 2,400	6 related adult occupants
2,401 to 3,150	7 related adult occupants
3,151 to 4,000	8 related adult occupants
4,001 to 4,500	9 related adult occupants
4,501 to 5,000	10 related adult occupants
* <i>Adult Occupant</i> means any individual 18 years of age or older, living or sleeping in a building, or having possession of space within a building.	

In a condominium or apartment the number of adults allowed is calculated by taking the square footage of the unit and dividing by 200. The result gives the number of adults who may live in that unit according to this standard (e.g., 4 adults are allowed in a 1000 square foot unit, though the standards of Section 2 will likely reduce the number allowed).

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2. Occupancy Standards for Bedrooms:

One occupant - requires at least 70 square feet of floor area.

Two or more occupants - at least 50 square feet of floor area per person.

Bedroom Size (square feet)	Maximum Number of Occupants per Room*
70	1
100	2
150	3
200	4
*Number of Occupants includes adults and children	

Required Bedroom Area

An Example: Applying the Standards in a Single Family Dwelling.

Suppose you live in a townhouse with livable floor area of 1,325 square feet and three bedrooms measuring 85, 108 and 156 square feet.

To figure out the number of people who can live in your home, calculate how many people are allowed based on the tables in Sections 1 and 2 and then confirm the relationships allowed in Section 3. The standards in Section 1 (based on the size of the residence) permit five related adult occupants plus all related (based on the size of the residence) permit five related adult occupants plus all related children.

The occupancy standards in Section 2 (bedroom size) allow six related persons (1 in the 85 square foot bedroom, 2 in the 108 square foot bedroom and 3 in the 156 square foot bedroom). The maximum number of people permitted in the residence must conform to the limits of both standards. Thus, this unit could house six persons, but not more than five adults may live there. Please note that if more than four persons live in the residence, they must all be related (Section 3).

3. Relationship of Occupants.

Residential dwellings may be occupied by any one of the following groups of persons or types of families:

- a. Persons who are all related to one another by blood, marriage, or adoption. This includes husbands, wives, parents, children, grandparents, grandchildren, brothers, sisters, aunts, uncles, nephews, nieces, and first cousins, including "step" or "half" such relationships, as demonstrated

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by official public records such as drivers' licenses, birth or marriage certificates. (Subject to building and bedroom size regulations).

b. Up to four persons who are not all related to one another by blood, marriage, or adoption.

c. Two unrelated persons and any children related to either of them.

d. No more than eight persons who are residents of a group home as defined within the Code of Utah, or who are handicapped as defined in the Fair Housing Act.

e. Additionally, up to two persons who may be servants, live-in companions to the elderly or disabled, or "au-pair" employees may occupy the residence in addition to members of the family as defined above, EXCEPT a family as described in 3b above.

Section 4-7 Sale or Lease of Required Space

No space needed to meet the width, yard, area, coverage, parking or other requirements of this Ordinance for lot or building may be sold or leased away from such lot or building.

Section 4-8 Minimum Lot Size Required for Subdivision

No parcel of land which has less than the minimum width and area requirements for the district in which it is located may be subdivided from a larger parcel of land for the purpose, whether immediate or future, of building or development as a lot.

Section 4-9 Yards to be Unobstructed - Exceptions

Every part of a required yard shall be open to the sky, unobstructed except for trees, vegetation, accessory buildings in a rear yard, the ordinary projections of skylights, sills, belt courses, cornices, chimneys, flues, and other ornamental features which project into a yard not more than two and one-half (2 ½) feet, and open or lattice-enclosed fire escapes, fireproof outside stairways and balconies opening upon fire towers projecting into a yard not more than five (5) feet.

Section 4-10 Area of Accessory Buildings

1. No accessory building or group of accessory buildings in any residential district shall cover more than twenty-five (25) percent of the rear yard.

2. No building which is accessory to a single-family or multi-

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family dwelling shall be erected to a height greater than twenty-five (25) feet.

3. Accessory buildings shall not have fluorescent or metallic colors on the exterior of any structure.

4. Accessory building: All accessory buildings with the exception of private garages and guest houses shall be located at the rear of the primary residence and shall have rear yard and side yard setbacks as required by the Zoning Ordinance. Accessory buildings shall not be built over dedicated easements or septic systems.

5. Private Garages and Guest Houses: Shall have the same architecture, color scheme, materials and not be greater in height than the primary residential building if located in the side yard of the primary residence. The square footage of the garage or guesthouse shall not be greater than fifty (50) percent of the area of the main floor of the primary residence.

6. Cargo or other similar storage containers may be approved as an accessory building based on the following criteria:

- a. Installation of appropriate fencing or other screening.
- b. Painted with color scheme similar to the primary residence.

Section 4-11 Building Height Calculation

The height of a building or structure is the vertical dimension measured from the highest point on the exterior of the building or structure to the nearest point of finished grade. For purposes of measuring height, finished grade shall mean the highest grade within five (5) feet of the structure or wall of the building, which has a grading and/or drainage plan approved. The term "finished grade" may also mean natural grade when no terrain alteration is proposed, or where otherwise applicable.

Fill which is not necessary to achieve positive drainage or slope stabilization, or which is otherwise proposed clearly to raise the finished floor elevations(s) for any other purpose, shall not be considered finished grade. No part of any building or structure may exceed the Maximum structural Height allowed in a specific zoning district except as allowed in section 4-12.

On sloping building sites, no part of any building or structure shall exceed the Maximum Height as measured from the highest point on the exterior of the building or structure to the nearest point of finished grade except as allowed in section 4-12, nor shall the height of the building or structure facing the downhill side, as measured from the highest point of the building or structure to the lowest point of finished grade on the downhill side, exceed 125% of Maximum Height. See Exhibit "D" for diagrams.

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Section 4-12 Exceptions to Building Height Limitations

Penthouse or roof structures for the housing of elevators, stairways, tanks, ventilating fans or similar equipment required to operate and maintain the building, and fire or parapet walls, skylights, towers or other architectural features, steeples, flagpoles, chimneys, smokestacks, water tanks, wireless or television masts may be erected above the height limits herein prescribed, but no space above the height limit shall be allowed for purposes of providing additional floor space. All height exceptions listed in this section are subject to a conditional use permit.

Section 4-13 Minimum Height of Main Buildings

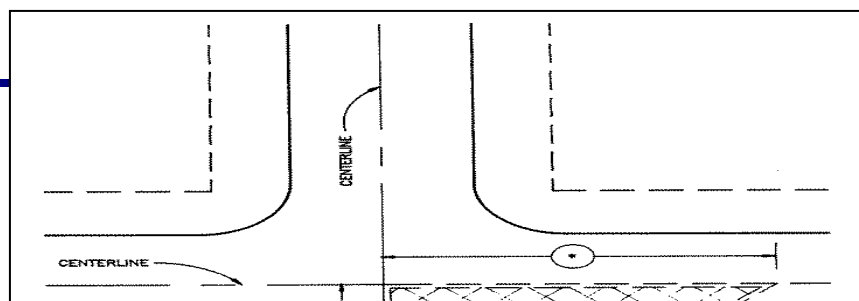
No dwelling shall be erected to a height less than one (1) story above grade. An underground dwelling designed with full front exposure may be approved by the Planning Commission if it meets the appropriate building codes.

Section 4-14 Maximum Height of Accessory Buildings

No building which is accessory to a one-family, two-family, three-family or four-family dwelling shall be erected to a height greater than twenty five (25) feet.

Section 4-15 Clear View of Intersecting Street

1. At every intersection there shall be a triangular area (shown in figure 1 of this section) deemed to be a clear sight triangle. The clear sight triangle shall be determined by the intersecting centerlines and a diagonal line connecting the two points, one at each centerline. The length of each centerline shall be determined as follows: seventy-five (75') feet from the intersection of such centerlines for a street with a **local** classification; one hundred (100') feet from the intersection of such centerlines for a street with an **collector** classification; and, one hundred fifty (150') feet from the intersection of such centerlines for a street with an **arterial** classification.
2. In residential and commercial districts, a clear unobstructed vision at the corners of intersecting streets shall be maintained between the height of two (2) feet and seven (7) feet above the established elevation at the intersecting property lines nearest the corner.



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Figure 1 - Clear View of Intersecting Street

Section 4-16 Maximum Height of Fences, Walls, and Hedges

1. A building permit is required for construction of all fences, walls and hedges in order to insure that the construction meets the current building codes for safety and suitability.
2. Fences and walls may be erected to a height of, but may not exceed, except by Conditional Use Permit, eight (8) feet when located within the buildable area.
3. Within the triangle formed as required in Paragraph 4-15. Opaque fences shall be limited to two feet in height and other fences shall be limited to 48 inches in height and have 70% visibility factor. Front and side street side yard fences outside the triangle shall be limited to 48 inches in height and may be a complete barrier to view: e.g., a 0% visibility factor when the fence is adjacent to a sidewalk.
4. A 72 inch fence may be allowed from the front of home to the back of the property line when the following conditions are met: (a) the fence is not adjacent to a sidewalk (b) where the roadway is within a 99 ft. easement (c) where there is at least 30 ft. of distance between the fence and the paved portion of the street and (d) the Building Inspector shall require that at the corners of said lots which are adjacent to the street there shall be a clear view triangle area of not less than 8 ft. by 8 ft. wherein the fence shall not be greater than 42" in height and must be constructed in such a way as not to obstruct the view of traffic or driveway.
5. Notwithstanding any other provisions herein, no fence shall be

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constructed that in any way obstructs the view of traffic.

6. Fences, walls, and hedges within any required rear yard or interior side yard may not exceed six (6) feet in height.

7. Fencing material used in the construction of fences or barriers shall be submitted to the building inspector prior to commencement of construction so that he may determine the visibility rating, suitability and safety of the materials.

Permitted fencing materials include:

- a. Post and rail
- b. Chain link
- c. Wood plank, diminished lumber
- d. Block or masonry wall on foundation
- e. Vinyl fencing
- f. Picket fencing
- g. Wrought iron

Fence materials not permitted on residential lots include:

- a. Barbed wire
- b. Cedar or other poles with bark
- c. Welded metal rods
- d. Rough-sawn lumber (half rounds)
- e. Net fencing
- f. Chicken wire
- g. Pallets
- h. Any other materials not listed as permitted.

8. Any fencing constructed must allow free and easy access to all utility meters located within the fenced area.

9. For purpose of this Section, single shrub planting shall not constitute a hedge if the closest distance between the foliage of any two (2) plants is and remains at least five (5) feet.

10. Where a fence, wall, or hedge is located along a property line separating two lots and there is a difference in the grade of the properties on the two sides of the property line, the fence, wall, or hedge may be erected or allowed to the maximum height permitted on either side of the property line.

11. Fencing and walls six (6) feet in height, including protective gates, must be installed around swimming pools, jacuzzi's, and similar

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structures.

12. Fencing with adequate screening or barrier walls six (6) foot in height shall border all commercial and manufacturing districts as they border other zones.

13. To determine the "visibility factor" of fence material as that term is used in this Ordinance, one square foot of the fence material is viewed perpendicular to its installed surface. The square inches of solid fence material contained in the square foot of fence material is subtracted from 144 to determine the square inches of open area within that square foot of fence material. The "visibility factor" is the percentage obtained by dividing the square inches of open area by 144.

14. Tennis courts, sport courts, batting cages, etc.: Fence type enclosures for uses such as tennis courts, sport courts, swimming pools, ball diamond backstops, batting cages, etc., may be erected to a height greater than eight feet (8') but not more than eighteen feet (18'), including any retaining walls, provided:

- a. Such enclosure does not constitute a part of a fence enclosing a property.
- b. All portions of the enclosure shall be located within the rear/side enclosure area of the lot.
- c. All portions of the enclosure above a height of eight feet (8') shall be non sight obscuring.
- d. The enclosure shall be set back from the property line of adjoining properties and also the main building upon the lot to which it is appurtenant for a distance of not less than twenty feet (20').
- e. On corner lots, the enclosure shall be set back not less than ten feet (10') from the street.

Section 4-17 Water and Sewer Requirements.

All proposed building or proposed use shall be connected to a public water system within the city limits of Kanab. Sewer hookups are required in areas served by the Kanab City Sewer System.

Section 4-18 Curbs, Gutters and Sidewalks

The installation of curb, gutter and sidewalks of a type approved by the Kanab City Council shall be required on any existing or proposed street adjoining a lot on which a commercial or industrial building is to be constructed or remodeled, or on which a new use is to be established. Such curbs, gutters, and sidewalks shall be required as a condition of building or use permit approval.

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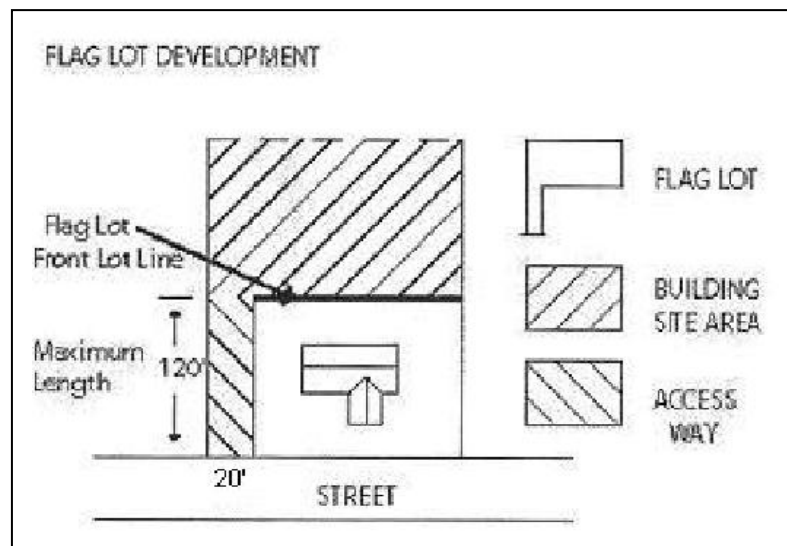
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Section 4-19 Effect of Official Map

Wherever a front yard is required for a lot facing on a street for which an official map has been recorded, the depth of such front yard shall be measured from the mapped street line provided by the Kanab City Official Map.

Section 4-20 Flag Lots - Special Provisions



1. Flag lots are intended to allow development of substantial, buildable properties where the extension of public streets cannot or should not be extended. Additionally, constraints created by the existing built environment may be a consideration. Lot size for such

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uses is necessarily large to help insure privacy of adjacent properties who are most impacted by the development of the flag lot.

2. All Flag Lot development shall require a Conditional Use Permit by the Planning Commission, upon satisfaction of the following conditions:

- a. A determination by the Planning Commission that the lot may not be developed as a standard lot and that the property cannot be subdivided with public streets and standard lots, either at the present or in the foreseeable future
- b. An easement shall be recorded across the staff portion of the flag lot providing access for installation and maintenance of utility lines and services, emergency vehicle access and access of City or other public personnel or vehicles as may be required to carry out the responsibilities of the City and other governmental entities. Public services, such as garbage collection, will be at the Dedicated Street only.
- c. The staff portion of a flag lot shall front on a dedicated public street. The minimum width of the staff portion of said lot shall be sixteen (20) feet.
- d. No building or construction, except for drive-ways and/or fences shall be allowed on the staff portion of said lot.
- e. The lot shall meet all size and setback requirements of the zone in which the lot is located.
- f. The flag lot shall be for a single family dwelling only.
- g. No part of the staff portion of the flag lot may serve more than two flag lots. In the event two such flag lots are served by a single staff, an agreement executed by all holding an interest in the property shall be recorded providing that each owner shall contribute one-half the cost of maintenance of the access road on the staff lot, which obligation shall be secured by a lien on the lots.
- h. The staff portion of the lot shall be owned in fee simple by the lot owner or the lot owner shall own an irrevocable easement constituting the staff portion. If access is by means of an easement, the adjacent lot shall maintain the entire frontage required by the ordinance for the zone in which it is located, in addition to the width required for the flag lot access easement. Any easement on an adjoining lot shall contain all provisions identified in (b) above.
- i. The flag lot access driveway shall not be closer to an adjacent dwelling than ten (10) feet.

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j. The staff portion of the flag lot shall be improved with a gravel driveway or better surface. The driving surface shall be well maintained and it shall be readily passable by a standard passenger car and emergency vehicles.

k. the proposal is compatible with the existing development, in terms of height, building materials and that the approval of the dwelling will not adversely affect the living environment of the surrounding area.

l. No deleterious objects or structures shall be constructed or maintained on the premises.

m. The proposed landscaping and fencing will adequately protect the privacy of adjacent properties.

n. Public safety issues, such as fire hydrants, have been adequately addressed.

o. A detailed site plan shall be submitted for review to the Planning Commission. Said site plan shall include:

i. All existing and proposed structures on the building site and adjacent parcels, driveway and parking areas and the area on the site to be landscaped.

ii. Proposed access to the building site along an access way which shall not be less than thirty (20) feet in width nor more than one hundred twenty (120) feet in length.

iii. The proposed area of a building site, which shall not be less than twenty thousand (20,000) square feet, exclusive of the access way.

iv. The setbacks from property line to the proposed structure, which shall meet the requirements of the underlying zone.

v. The setback from existing occupied structures on neighboring properties to any structure on the proposed flag lot, which shall be at least seventy (70) feet.

vi. The existing height of buildings located on adjacent properties.

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3. All construction shall be in accordance with the site plan as approved by the Planning Commission. An approval by the Planning Commission shall run with the owner and shall be valid only for a period of one (1) year from the date of approval. If the ownership of the parcel changes before the issuance of a building permit, or if said permit is not obtained and construction commenced within one (1) year from date of approval, said approval shall be null and void.

4. The front side of the flag lot shall be deemed to be the side nearest the street upon which the staff portion fronts.

5. The City shall have no maintenance responsibility for the roadway on the staff portion of the flag lot.

Section 4-21 Private Lanes - Special Provisions

1. Because it may be in the interest of Kanab City to allow certain residential development without frontage upon private streets and only on private lanes, such approval may be granted by a conditional use permit recommended by the Planning Commission and approved by the City Council, upon satisfaction of the following conditions:

a. A scale drawing of the proposed private lane and lot shall be submitted in support of an application for approval, together with all other documents required and an agreement to abide by all provisions of this ordinance. The lot shall meet all size and setback requirements of the zone in which the lot is located.

b. A determination shall be made as to the future width of dedicated street that may be needed to serve the lot, based upon the City Master Plan of streets. If the proposed private lane is not identified as a major or collector street, it shall be considered to be a future local street. The private lane must meet all requirements of such a class of street, including width.

c. The applicant for the Conditional Use Permit shall record a written agreement to dedicate the private lane at such time as the City shall require dedication. The agreement shall be signed by all individuals owning any of the private lane.

d. An easement shall be recorded across the private lane between the subject property and the public street or right-of-way providing for installation and maintenance of utility lines and services, emergency vehicle access and access of City or public personnel or vehicles as may be required in order to carry out the responsibilities of the City and other governmental entities.

e. The private lane shall be improved with a gravel

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driveway or better surface across such width as the City may, from time to time, determine. The driving surface shall be well maintained and it shall be readily passable by a standard passenger car and emergency vehicles.

f. Utility lines shall be extended at the cost of the applicant from the public street to the subject dwelling at such size as may be required by the City to serve the applicant or future development in the area. Upon installation and acceptance the lines on the City side of the meter shall become the property of the City. The City will then assume responsibility for the upkeep and maintenance of the line. No reimbursement contracts will be issued by the City to the property owner for any future connections to any required utility line that may be installed as a part of a conditional use permit approval.

g. Water meters shall be located at the future property line in front of the dwelling. Other meters, such as electricity, shall be located as required by the City.

h. All dwellings shall be no further than five hundred (500) feet from an approved fire hydrant. If installation of a hydrant is necessary, it shall be done at the expense of the applicant.

i. A letter of consent and non-opposition to any future improvement district initiated by the City shall be recorded against the land and shall run with the land. The City, at its option, may initiate a special improvement district for the improvement of any private lane approved for use under these conditions.

2. In the event any private lane is proposed to serve more than one lot, an agreement executed by all holding an interest in the lots shall be recorded providing that each owner shall contribute his pro-rata share of the cost of maintenance and improvement of the private lane, which obligation shall be secured by a lien on the lots.

Section 4-22 Temporary Structures During Construction

As a conditional use within any zone a mobile home may be placed upon any lot during the actual period of construction of a principal dwelling or structure on the premises subject to the following limitations:

1. A mobile home shall be permitted to remain upon premises for a maximum of 180 days during the construction of a residential structure.

2. A mobile home shall be permitted to remain upon the premises during construction of a commercial or industrial building for a period of time not to exceed the time limit for construction under the contract

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or one (1) year, whichever is shorter.

3. The time limits provided herein shall not be extended without approval of the Planning Commission.

Section 4-23 Handicapped Residential Facilities

1. **Permitted Use - Multiple Family Zone** - A residential facility for handicapped persons is a permitted use in any area where residential dwellings are allowed, except an area zoned to permit exclusively single-family dwellings. Prior to establishing a residential facility for handicapped persons, a permit must be obtained by application to the Planning Commission and thereafter to the City Council, which shall be issued if the applicant can show that:

- a. the facility meets all Kanab City building, safety, zoning and health ordinances applicable to similar dwellings;
- b. the residents of the facility will be properly supervised on a 24-hours basis;
- c. a community advisory committee will be established through which all complaints and concerns of neighbors may be addressed;
- d. adequate off-street parking space is provided;
- e. the facility is capable of use as a residential facility for handicapped persons without structural or landscaping alterations that would change the structure's residential character;
- f. no person being treated for alcoholism or drug abuse may be placed in the residential facility for handicapped persons;
- g. no person who is violent will be placed in a residential facility for handicapped persons.
- h. placement in the residential facility for handicapped persons shall be on a strictly voluntary basis and not a part of, or in lieu of, confinement, rehabilitation, or treatment in a correctional facility.

Upon application for a permit to establish a residential facility for handicapped persons in any area where residential dwellings are allowed, except an area zoned to permit exclusively single-family dwellings, a facility that conforms to these ordinances shall be granted a permit. If the Planning Commission and City Council determine that the residential facility for handicapped persons is in compliance with those ordinances, the City shall grant the requested permit to that facility.

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The use granted and permitted by this subsection is nontransferable and terminates if the structure is devoted to a use other than as a residential facility for handicapped persons or, if the structure fails to comply with the City ordinances.

2. **Conditional Use - Single-Family Zones** - Subject to the granting of a conditional use permit, a residential facility for handicapped persons shall be allowed in an municipal zoning district which is zoned to permit exclusively single-family dwelling use, if that facility:

- a. Conforms to all applicable health, safety, zoning, and building codes;
- b. is capable of use as a residential facility for handicapped persons without structural or landscaping alterations that would change the structure's residential character;
- c. conforms to Kanab City's criteria adopted by ordinance, governing the location of residential facilities for elderly persons in areas zoned to permit exclusively single-family dwellings.
- d. no person being treated for alcoholism or drug abuse may be placed in the residential facility for handicapped persons;
- e. no person who is violent shall be placed in a residential facility for handicapped persons;
- f. placement in the residential facility for handicapped persons shall be on a strictly voluntary basis and not a part of, or in lieu of, confinement, rehabilitation, or treatment in a correctional facility.
- g. meets conditions stated in Chapter 8 of this ordinance.

The use granted and permitted by this subsection is nontransferable and terminates if the structure is devoted to a use other than as a residential facility for elderly persons or if the structure fails to comply with applicable health, safety, and building codes.

3. **Discrimination** - Discrimination against handicapped persons and against residential facilities for handicapped persons is prohibited. The decision of Kanab City regarding the application for a permit by a residential facility for handicapped persons must be based on legitimate land use criteria, and may not be based on the handicapping conditions of the facility's residents.

Section 4-24 Elderly Residential Facilities

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1. **Permitted Use - Multiple Family Zone** - A residential facility for elderly persons is a permitted use in any area where residential dwellings are allowed, except an area zoned to permit exclusively single-family dwellings. Prior to establishing a residential facility for elderly persons, a permit must be obtained by application to the Planning Commission and thereafter to the City Council which shall be issued if the applicant can show that:

- a. the facility meets all Kanab City building, safety, zoning and health ordinances applicable to similar dwellings;
- b. adequate off-street parking space is provided;
- c. the facility is capable of use as a residential facility for elderly persons without structural or landscaping alterations that would change the structure's residential character;
- d. no person being treated for alcoholism or drug abuse may be placed in the residential facility for elderly persons;
- e. placement in the residential facility for elderly persons shall be on a strictly voluntary basis and not a part of, or in lieu of, confinement, rehabilitation, or treatment in a correctional facility.

Upon application for a permit to establish a residential facility for elderly persons in any area where residential dwellings are allowed, except an area zoned to permit exclusively single-family dwellings, a facility that conforms to these ordinances shall be granted a permit. If the Planning Commission and City Council determine that the residential facility for elderly persons is in compliance with those ordinances, the City shall grant the requested permit to that facility.

The use granted and permitted by this subsection is nontransferable and terminates if the structure is devoted to a use other than as a residential facility for elderly persons or, if the structure fails to comply with the City ordinances.

2. **Conditional Use - Single-Family Zones** - Subject to the granting of a conditional use permit, a residential facility for elderly persons shall be allowed in any municipal zoning district which is zoned to permit exclusively single-family dwelling use, if that facility:

- a. conforms to all applicable health, safety, zoning, and building codes;
- b. is capable of use as a residential facility for elderly persons without structural or landscaping alterations that would change the structure's residential character;
- c. conforms to Kanab City's criteria adopted by ordinance, governing the location of residential facilities for elderly persons in areas zoned to permit exclusively single-family

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dwellings.

d. no person being treated for alcoholism or drug abuse may be placed in the residential facility for elderly persons;

e. placement in the residential facility for elderly persons shall be on a strictly voluntary basis and not a part of, or in lieu of, confinement, rehabilitation, or treatment in a correctional facility.

f. meets requirements in Chapter 8 of this ordinance.

The use granted and permitted by this subsection is nontransferable and terminates if the structure is devoted to a use other than as a residential facility for elderly persons or if the structure fails to comply with applicable health, safety, and building codes.

3. **Discrimination** - Discrimination against elderly persons and against residential facilities for elderly persons is prohibited. The decision of Kanab City regarding the application for a permit by a residential facility for elderly persons must be based on legitimate land use criteria, and may not be based on the age of the facility's residents.

4. **Other Permitted Uses Not Limited** - The requirements of this section that a residential facility for elderly persons obtain a conditional use permit or other permit do not apply if the facility meets existing zoning ordinances that allow a specified number of unrelated persons to live together.

Section 4-25 Bed and Breakfast Inn

A Bed and Breakfast Inn is a conditional use within certain zones as provided hereafter in this ordinance and must comply with the following requirements:

1. The owner of the premises must reside therein.

2. There must be a minimum of one guest room and not more than five guest rooms. No more than four guests may occupy any room. No guest may stay more than fifteen consecutive days.

3. One off-street parking stall must be provided per guest room with two off-street parking stalls provided per premise owner.

4. No cooking facility may be present in any guest room. No cooking may occur in any guest room. Meal services may be offered only to overnight guests.

5. Other than a sign permitted for a Bed and Breakfast Inn established by conditional use permit may have no advertising of any type.

6. Any permit granted is revocable upon notice and hearing if the use of the property creates traffic, noise, health, safety, parking, or

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other problems in the area.

7. A site plan must be submitted.

8. Any hearing for the establishment of a Bed and Breakfast Inn conditional use permit shall be advertised as required by this ordinance.

Section 4-26 Residential Zones Design Standards

In addition to any other requirements provided by law, any application for a building permit of a single or multiple family dwelling within residential zones shall be accompanied by a site plan and architectural plan with appropriate drawings of adequate scale showing building materials, exterior elevations and floor plans of all proposed structures and complying with the design criteria set forth as follows:

1. Each dwelling must be taxed as real property. If the dwelling is a manufactured home, affidavits as required by Utah Code Annotated Section 59-2-602 must be filed under that section and a copy thereof submitted to the city prior to receiving a Certificate of Occupancy.

2. Each dwelling shall have a code-approved site built concrete, masonry, steel or treated wood permanent foundation which meets the requirements of the City adopted building codes or the ICC guidelines for the manufactured housing installations, including any amendments or successors thereto, and must be capable of transferring design, dead loads and live loads and other design loads unique to local home sites due to wind, seismic, soil and water conditions that are imposed by or upon the structure into the underlying soil or bedrock without failure. All perimeter footings must be minimum of 18 inches below grade. All tie down devices must meet City adopted building codes or other applicable building codes. The space beneath the structure must be enclosed at the perimeter of the dwelling with the concrete or masonry type foundation materials. At each exit door there shall be a landing which meets the minimum requirements of the City Building Codes. All manufactured home running gear, tongues, axles and wheels must be removed at the time of installation.

3. The roof of each dwelling shall have a minimum pitch of 2-1/2:12 or lesser pitch with parapet walls under a design approved by the Building Inspector. At non-gabled ends of the roof there shall be an overhang at the eaves of not less than six inches 6" excluding rain gutters, measured from the vertical side of the dwelling. The roof overhang requirements shall not apply to areas above porches, alcoves and other appendages which together do not exceed 25% of the length of the dwelling. The roof surface shall consist of wood

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shakes, asphalt, composition wood shingles, tile, metal or fiberglass shingles.

4. a. All dwelling units (building front) shall face the public street where adequate public street frontage exists, unless otherwise approved by the city council upon recommendation of the planning commission.

b. The City Council upon recommendation of the planning commission may reduce the front setback on a public street to fifteen feet (15') for homes with a covered, but otherwise open front porch. The front porch shall be part of the overall house design and extend at least one-half (1/2) of the width of the home with a minimum depth of eight feet (8'). The porch covering shall be part of the roof or roof extension, and of the same material as dwelling and not simply an awning over the porch. The front setback to the garage or carport shall be at least twenty five feet (25') on public streets.

c. Existing single-family dwellings shall not be converted to multi-family units.

d. Multi-family housing shall be new construction. Additions to legally existing multi-family buildings shall be considered a conditional use and shall require a conditional use permit.

e. No garage, carport or parking space shall be converted to living space unless the building inspector determines that adequate off street parking is available.

5. Each dwelling shall have exterior materials of sufficient quality, durability and resistance to the elements to satisfy the purpose of this section. Exterior siding materials shall consist of wood, hardwood, brick, stucco, glass, metal, lap vinyl, lap tile or stone meeting the requirements of the City Building Codes.

6. The width of the dwelling shall not be less than twenty- four feet (24) feet at the narrowest point of its first floor exclusive of any garages, bay windows, room additions or other similar appendages. A basement shall not be considered as a first floor. The width shall be considered as the lesser of the two primary dimensions. Manufactured homes shall be multiple transportable sections at least twelve feet (12) wide unless transportable in three (3) or more sections, in which case only one section need be twelve (12) feet wide.

7. Replacement of an existing non-conforming manufactured home on any lot must comply with all the requirements contained in this section.

8. Each dwelling shall have a minimum floor area on the main

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floor or floors, exclusive of garages as shown in Section 15-2. A basement shall not be considered as a floor. Measurements to determine the minimum area of the dwelling shall be taken from the outside of the foundation walls.

9. Any manufactured home that has been previously owned or has been modified, is subject to inspection by the building inspector. The building inspector may deny hookups and occupancy if the unit is found to be in noncompliance with Annex A (a final inspection checklist) and Annex C of and ANSI A225.1 - 1994, of the American National Standard Manufactured Home Installations, approved January 4, 1994, by the American National Standards Institute, Inc. A decision of the inspector is considered to be an administrative decision and may be appealed to the Appeals Officer and then to the District Court.

Section 4-27 American National Standard Manufactured Home Installations

1. **Final Inspection Checklist** - Final inspection shall be made when the home installation (set-up) is complete. A checklist such as the one given below should be developed to ensure that no items have been overlooked and that work has been properly completed.

- a. **Water and Drain Systems.** Check to ensure that:
 - i. Correct materials for water and drain lines have been used.
 - ii. Connections and splices are properly made.
 - iii. Supports are of correct material and are properly spaced.
 - iv. Necessary inspections and tests have been made.
 - v. Water lines are protected from freezing when applicable.
 - vi. Proper slope has been maintained on drain lines.
- b. **Electric Systems.** Check to ensure that:
 - i. Panel amperage matches connection to home.
 - ii. Electrical inspections have been performed; connections between multi-sections are in accordance with MHCSS and access covers are in place.
- c. **Gas/fuel Oil Systems.** Check to ensure that:
 - i. Correct materials and fittings are used.
 - ii. The pressure test has been conducted on the gas system.
 - iii. The connection between multi-sections are in accordance with the MHCSS, with access as required.
- d. **Appliance Function, Operation, and Venting.** Check to

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ensure that:

- i. Vent or chimney extensions shipped loose on the home have been mounted and serviced in accordance with the manufacturer's instructions.
 - ii. Appliances and valves have been tested and are properly working.
 - iii. Venting of appliances under unit are in accordance with the MHCSS.
 - iv. Dryer is properly vented.
 - v. Solid-fuel-burning fresh air intake is properly installed
 - vi. Temporary shipping blocks have been removed.
 - vii. Exhaust fan operation and air flow are correct.
- e. **Windows and Doors.** Check to ensure that:
- i. Windows meet egress requirements and have operation instructions on them.
 - ii. Doors function properly.
 - iii. Temporary shipping hardware has been removed from windows and doors.
- f. **Exterior of Home.** Check:
- i. For damage to under carriage or bottom board.
 - ii. Chassis, floor joists, or both for installation/transportation damage.
 - iii. Bottom board for rips or tears.
 - iv. For damage to siding (cracks, breaks, holes, nail pops., etc.)
 - v. For damage to metal or composition roof.
 - vi. For holes or rips in metal roof.
 - vii. Shingles for damage and sealing.
 - viii. Drip edge or fascia damage.
 - ix. Roof openings for sealing (vents, stacks, etc.)
 - x. To ensure that when gutters and downspouts are installed, the water is diverted away from the home.
- g. **Interior of Home.** Check:
- i. For damage to floor coverings (vinyl, carpet.)
 - ii. For damage to wall finish (holes, cracks, nail pops, etc.)
 - iii. For damage to ceiling finish (holes, cracks, nail pops, etc.)
 - iv. For damage to interior trim (splits, cracks, nail pops, etc.)
 - v. Multi-section common areas for correct finishing.
- h. **Skirting.** Check to ensure that:

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- i. Skirting used is in accordance with owner's specifications.
- ii. Venting is in accordance with the manufacturer's specifications.
- iii. Skirting is constructed to prevent frost movement in areas of where it occurs.
- iv. Polyethylene ground cover is correctly installed.
- i. **Blocking/footings.** Check to ensure that:
 - i. Footing are of proper size and construction for soil conditions.
 - ii. Spacing of piers is in accordance with the manufacturer's guidelines.
 - iii. Footing depth is below frost line.
 - iv. Foundation walls, if required, meet local codes, ordinances, or covenants.
 - v. Pier construction meets manufacturer's specifications.
- j. **Anchoring.** Check to ensure that.
 - i. Approved anchors are used.
 - ii. Correct number of anchors, straps, or both are used according to the manufacturer's instructions.
 - iii. Anchors are installed at correct angles and in accordance with the anchor manufacturer's listing for approval.
- k. **Miscellaneous.** Check to ensure that:
 - i. The smoke detector(s) is operating correctly.
 - ii. Construction seals (the "HUD Label") have not been damaged, removed, or covered by skirting.
 - iii. Installation/anchoring certificates, seals, or both have been issued and installed if required.
 - iv. Data plate is intact and legible.
 - v. Low-hanging tree branches and bushes have been trimmed.

All transit and installation damage is required to be reported to the manufacturer if the home is a new unit. Check with local authorities having jurisdiction prior to installation for code requirements and permits/inspections required.

Section 4-28 Home Occupations

A Conditional Use within certain zones as provided within this ordinance and must comply with the following requirements:

1. The Home Occupation shall not occupy a total area greater than twenty-five (25) percent of the improved portions of the dwelling and shall not change the character thereof.

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2. Accessory buildings may be used, but outside storage or activities are not permitted except for nursery schools, in which case, it is presumed that rear yard space is utilized and the rear yard space must be completely fenced with at least a six foot (6) high fence.
3. Any signs or other outside displays shall not be allowed.
4. Off-Street Parking will be provided which will, in the opinion of the Planning Commission, be adequate to accommodate all vehicles which will be parked on or about the premises by customers, clients or occupants of the dwelling. Said off-street parking will be provided so that it will not decrease residential amenities in the area surrounding the dwelling.
5. Prohibited Home Occupation Uses - The following list presents examples that are not incidental to nor compatible with residential activities and are prohibited:
 - a. Businesses which entail the harboring, breeding, and raising of dogs, cats or other large or small animals on the premises;
 - b. Primary Medical and Dental offices, clinics and laboratories;
 - c. Mini storage;
 - d. Vehicle repair (body or mechanical), and vehicle painting;
 - e. Any other use determined by the Planning Commission to be not incidental nor compatible with residential activities.
6. Revocation - A Conditional Use Permit covering home occupation shall be revoked or modified by the Planning Commission if any one of the following findings can be made:
 - a. That the use has become detrimental to the public health, safety, traffic or constitutes a nuisance;
 - b. That the permit was obtained by misrepresentation or fraud;
 - c. That the use for which the permit was granted has ceased or was suspended for six or more consecutive calendar months;
 - d. That the condition of the premises, or the area of which it is a part has changed so that the use is no longer justified under the meaning and intent of this Chapter;
 - e. That one or more of the conditions of the Conditional Use Permit have not been met;
 - f. That the use is in violation of any statute, ordinance, law or regulation.

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- g. That the use meets requirements in Chapter 8 of this ordinance.

Section 4-29 Underground Utilities

All utilities, including cable TV conduits, shall be provided through underground service in properly recorded easements or rights of way. All existing aboveground utility lines which are within the boundary of the project or are on adjoining collector streets which are to be widened with the development shall be buried within appropriate easements. Utility lines in projects which the City Engineer determines should be buried with future road reconstruction or widening shall pay a cash escrow equal to the current cost of burying the lines. All underground utilities specified in this section shall be installed prior to the installation of road base, surfacing and sidewalks. Underground utilities shall be installed only after streets have been rough graded to a line and grade approved by the City Engineer. All underground utilities shall be sleeved.

Section 4-30 Streets and Trails Connectivity

1. Streets and trails in new residential developments must have connectivity to other surrounding residential neighborhoods.
2. Development site plans must show the location of the development as part of a larger tract with a vicinity plan showing the relative location of the development to adjacent streets, trails and geographic features.
3. Continuation of master planned streets and trails: The arrangement of streets and trails shall provide for the continuation of master planned streets and trails between adjacent properties when such continuation is necessary for convenient movement of traffic, effective fire protection, efficient provision of utilities and where such continuation is in accordance with the city's general plan, transportation master plan and/or recreation master plan.
 - a. Temporary turn-around: If the adjacent property is undeveloped and the street must be a dead end street temporarily, the right of way shall be extended to the property line and a temporary turnaround shall be provided.

Section 4-31 Residential Facilities for Persons with Disability

1. Applicability: If any facility, residence or other circumstance meets the definition of a residential facility for persons with a disability as set forth herein, the requirements of this section shall govern the same notwithstanding any other provisions of this title:
2. Purpose: The purposes of this section are:

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- a. To comply with Utah Code Annotated section 10-9-605;
and
- b. To avoid discrimination in housing against persons with disabilities as provided in the Utah fair housing act and the fair housing amendments act as interpreted by courts having jurisdiction in Utah.

3. Definitions: As used in this section, the following words and terms shall have the meanings ascribed to them in this subsection:

DISABILITY: A physical or mental impairment that substantially limits one or more of a person's major life activities, including a person having a record of such an impairment or being regarded as having such an impairment.

RESIDENTIAL FACILITY FOR THE DISABLED:

A. A single-family or multiple-family dwelling unit, consistent with existing zoning of the desired location, that is occupied on a twenty four (24) hour per day basis in a family type arrangement under the supervision of the resident family or manager, and that conforms to all applicable standards and requirements of and is licensed by the Utah department of human services division of services for people with disabilities, or department of health and is operated by or under contract with that department. The dwelling must be owned by one of the residents or by an immediate family member of one of the residents, or is a facility for which the title has been placed in trust for a resident.

B. "Residential facility for the disabled" shall not include facilities for the following: secure treatment, adult daycare, day treatment, comprehensive mental health treatment, comprehensive substance abuse treatment, or domestic violence treatment, as defined in Utah Code Annotated section 62A-2-101.

4. Permitted Use Requirements: A residential facility for persons with a disability shall be a permitted use in any zoning district where a dwelling is allowed. Each such facility shall conform to the following requirements:

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a. Building And Safety Standards: The facility shall comply with all building, safety and health regulations applicable to similar structures. As part of this requirement, the following site development standards and parking standards shall be applicable:

b. Each facility shall be subject to minimum site development standards applicable to a dwelling in the zone in which the facility is located.

c. The minimum number of parking spaces required for a residential facility for persons with a disability shall be the same as those for a dwelling located in the same zoning district in which the facility is located, subject to the following:

i. If support staff is employed on the premises of a facility, one additional parking space shall be required for each staff member.

ii. Parking shall not be located within the front yard setback.

5. Prohibited Uses: No facility shall be made available to an individual whose tenancy would:

a. Constitute a direct threat to the health or safety of other individuals; or

b. Result in substantial physical damage to the property of others.

6. Requirements Of Licensee: Prior to the occupancy of any facility, the person or entity licensed or certified by the department of human services or the department of health to establish and operate the facility shall:

a. Provide a copy of such license or certification to the city; and

b. Certify in a sworn affidavit to the city that no person will reside or remain in the facility whose tenancy would likely:

i. Constitute a direct threat to the health or safety of other individuals; or

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- ii. Result in substantial physical damage to the property of others.

7. Nontransferable; Termination: The use permitted by this section is nontransferable and shall terminate if:

- a. The facility is devoted to a use other than a residential facility for persons with disabilities; or
- b. The license or certification issued by the department of human services or the department of health terminates or is revoked; or
- c. The facility fails to comply with the conditions enumerated in this section.

8. Number Of Persons Limited: No residential facility for persons with a disability shall house more than eight (8) disabled persons, not related by blood or marriage.

9. Distance To Similar Facilities: No residential facility for persons with a disability, licensed for the housing of more than three (3) disabled persons, shall be established or maintained within one thousand feet (1,000'), measured in a straight line between the closest property lines of the lots or parcels, of the following similar facilities:

- a. Another residential facility for persons with a disability licensed for the housing of more than three (3) disabled persons; or
- b. A residential facility for elderly with more than three (3) elderly persons in residence.

10. Business License Required: For a residential dwelling for four (4) or more persons, as licensed by the department of human services, division of services for people with disabilities, the owner or provider shall be required to maintain a valid business license with the city.

11. Exemptions: A residential facility for the disabled shall not include facilities which house persons being treated for alcoholism or drug abuse, persons who are violent, who are not voluntarily residing therein, or who are residing therein as a part of or in lieu of confinement, rehabilitation or treatment in a correctional facility.

12. Reasonable Accommodation: None of the foregoing conditions shall be interpreted to limit any reasonable accommodation necessary

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to allow the establishment or occupancy of a residential facility for persons with a disability.

- a. Any person or entity who wishes to request a reasonable accommodation shall make application therefore to the city council, or the council's designee, and shall articulate in writing the basis for the requested accommodation.
- b. Each application for a reasonable accommodation shall be decided within not more than thirty (30) days.
- c. If a request for a reasonable accommodation is denied, such decision may be appealed to the Appeals Officer in the manner provided for appeals of decisions applying this title.